

STATE OF SOUTH CAROLINA

ORIGINAL

In The Court of Appeals

APPEAL FROM LANCASTER COUNTY

Brooks P. Goldsmith, Circuit Court Judge

RECEIVED

NOV 07 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KAREN SHIELDS,

APPELLANT

APPELLATE CASE NO. 2013-001552

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

MATTHEW BUCHANAN
General Counsel
South Carolina Department of
Probation, Parole & Pardon Services
PO Box 50666
Columbia, SC 29250
(803) 734-9220

Attorneys for Respondent

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2011-CP-29-01411
5

6 State of South Carolina

7 vs.

8 Karen Shields
9
10

11 Lancaster, South Carolina

12 July 8, 2013

13 Before the Honorable Brooks P. Goldsmith
14

15 APPEARANCES

16 For the State: Agent Boyd

17 For the Defendant: Mark Grier
18

19 Reported by: Michael C. Watkins

20 Official Court Reporter
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1 Probation Violation Hearig: 3

2 Certificate: 7

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4 NO EXHIBITS

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1 THE COURT: All right. I have read the violation
2 report on Ms. Shields.

3 MR. GRIER: Judge, I will preface this with my client
4 does not agree with being held until treatment is available.
5 I would if -- I don't want the Court to assume that the
6 option of prison is the alternative, she would prefer --
7 which it is not, but I am arguing against the
8 recommendations. Judge, Ms. Shields has prior violations in
9 April of 2012 and March of this year and they violated her
10 in May so she is only a couple of months out. This case
11 really involves the problem of addiction that Ms. Shields
12 has because she has a lot of chronic problems. She has a
13 herniated disc and -- will it be okay if she just tells you
14 all of her conditions or --

15 THE COURT: Sure.

16 THE DEFENDANT: I have, as I said, spinal stenosis, I
17 have arthritis, I have fibromyalgia, I have -- just have a
18 lot of things.

19 MR. GRIER: Judge, I think it's undisputed that
20 Ms. Shields suffers from some intense pain and chronic pain,
21 most certainly she is under management from two different
22 doctors. She has been -- in fact, these violations in this
23 case stem from the fact she was transferring from her --
24 according to Ms. Shields she was starting the Pee Dee Clinic
25 and was switching over from her main doctor and she used

1 cocaine in the interim to -- because she wasn't getting the
2 Percocets she had been getting for a lot of treatment and it
3 was unavailable to her. Ms. Boyd must believe that
4 Ms. Shields is being honest because she didn't violate her
5 the first time she confessed to using the drugs, Ms. Boyd
6 will tell us in abundant detail I am sure and contradict
7 what she's saying but I believe Ms. Shields has been honest
8 with them about her drug use. And she says that if she can
9 get back to her doctor and get back on prescriptions, most
10 certainly she does not have that drug problem anymore and
11 she has been through she told me eight drug treatments. At
12 any rate, Judge, she is -- I will say a couple of more
13 things and I will shut up. She had told me -- asked me to
14 call Tyrone Faulkner, the head of the Fatherhood Project, he
15 has helped Ms. Shields a lot, in fact, reunited her with her
16 daughter and they have established a relationship and that
17 really has been something that has given Ms. Shields an
18 incentive to carry on. It has been a tool for her in
19 fighting her chronic pain and everything and I think
20 confirms that that will be helpful for Ms. Shields. So
21 that's about it. We're asking that you have -- continue her
22 on probation, she can go get an assessment to see what her
23 present -- get a substance abuse assessment; whatever the
24 Court might feel appropriate and try to carry on that way
25 rather than to be held for a bed and going back for

1 treatment which has been successful in the past.

2 THE COURT: Did you want to say anything?

3 THE DEFENDANT: Yes. There was a time in my life when
4 I did have a very, very bad addiction from sun up to sun
5 down. The Fatherhood and some treatment places have helped
6 me, but it was not something that I was doing for pleasure.

7 AGENT BOYD: Initially when she failed the marijuana
8 drug test I did initially send her to Voc Rehab and based on
9 the fact she was saying she was applying for disability she
10 couldn't go through their services because you've got to be
11 able and willing to work to go through Voc Rehab. So we
12 went the route of going through Counseling Services of
13 Lancaster. The last medical paperwork I do have from
14 Ms. Shields was from June of 2012, so updated medical
15 documentation I haven't received to verify that she did have
16 these issues. I know she come in, she tell me she has these
17 appointments, but due to the fact that she couldn't get the
18 counseling services at these scheduled appointments and they
19 were working with her and she has continued to use each time
20 she left me with no option but to ask to be held.

21 THE COURT: Ms. Shields, how many times have you been
22 to the department of corrections?

23 THE DEFENDANT: And you have a number of drug -- I have
24 drug convictions on there that I'm not supposed to have.

25 THE COURT: You were charged with distribution 2004,

1 possession of cocaine in 2000, had a conviction, five years.
2 I know you disagree but I believe that your agent is doing
3 this with the best of intentions with the intention of
4 helping you and I agree. I find you wilfully violated the
5 terms of your probation, require inpatient treatment, hold
6 in custody until space is available, follow-up counseling.

7 THE DEFENDANT: I went to a place, I stayed there for
8 nine months, it was just like living in a house with other
9 females. Just like I said, I'm not -- yes, I am trying to
10 sway your judgment because I'm not that same person because
11 of death and the pain at the time that was the situation
12 that just happened. Now I have gained something with my
13 daughter I never had and she's 14 years old and she wants to
14 talk to me, I'm actually being a mother now. Please, I do
15 not want to stay housed behind bars when I know I haven't
16 done anything wrong to hurt anybody or intentionally hurt
17 myself. Please, Your Honor, I am so tired of being inside.
18 I beg you, please let me go home.

19 THE COURT: I really understand, I really do.

20 THE DEFENDANT: I just need to get back to my life. If
21 I've got to get on my knees and beg I will, I do not want to
22 go back to those bars, please sir.

23 THE COURT: That's my ruling.

24 (End of the hearing.)

25

1 I, the undersigned, Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of South
3 Carolina, do hereby certify that the foregoing is a true,
4 accurate and complete transcript of the proceedings had and
5 evidence introduced in the trial of the captioned case,
6 relative to appeal, in the Court of General Session for
7 Lancaster County, South Carolina, on the 8th day of July,
8 2013.

9 I do further certify that I am neither of kin, counsel,
10 nor interest to any party hereto.

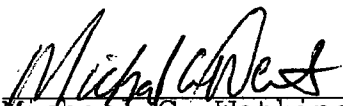
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September 24, 2013

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Michael C. Watkins
Court Reporter

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PAGE 02

FAMILY COURT

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22:59

10/10/2013

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WITNESSES

Moseley - LCSO #11-29614

DOCKET NO. 2011-GS-29- 1411

The State of South Carolina
County of Lancaster

COURT OF GENERAL SESSIONS

DECEMBER TERM 2011

ARREST WARRANT NUMBER/DOA

W741718 (DOA-9-14-11)

ACTION OF GRAND JURY

THE STATE
vs.

Karen Denise Shields

Person of Grand Jury

DEC 8 2011

VERDICT

TRUE BILL

Person of Petit Jury

ENTERING HOUSE OR VESSEL WITHOUT
BREAKING WITH INTENT TO STEAL

SC Code: §16-13-170
CDR Code: 0171
Class: Felony E

FILED
OFFICE OF CLERK
OF COURT
2011 DEC -8 PM 4:04
CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

INDICTMENT

At a Court of General Sessions, convened on December , the Grand Jurors of Lancaster County present upon their oath:

ENTERING HOUSE OR VESSEL WITHOUT BREAKING WITH INTENT TO STEAL

That Karen Denise Shields did in Lancaster County on or about September 9, 2011, enter without breaking or attempt to enter a house or vessel, to wit: the front door to the dwelling of Robert Blakeney with intent to steal or commit a crime therein in violation of Section 16-13-170 of the Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Douglas A. Barfield, Jr., SOLICITOR

PROBATION CITATION

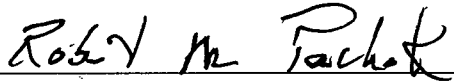
No. C-29-13-0026

SOUTH CAROLINA		COUNTY: LANCASTER															
V.		SCDC #															
KAREN SHIELDS		SID # 00842114															
TO: KAREN SHIELDS																	
YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Place Lancaster Court House</td> <td style="width: 50%; padding: 5px;">Room Main court room</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Date and Time 6/17/2013 9:00 AM</td> </tr> </table> YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below. Violations Charged By violating conditions 1,3,7,9, and 10 of cause number 11-Gs-29-1411 as ordered by the Lancaster County Court of General Sessions on 12-12-11 by the Honorable Judge Kinard. YOU ARE HEREBY NOTIFIED that you have the rights listed below. List of Rights: You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing. IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 5px;">LANCASTER, South Carolina</td> <td style="width: 30%; padding: 5px;">Probation and Parole Agent Wenona Boyd</td> <td style="width: 30%; padding: 5px;">Agent # 0720</td> </tr> <tr> <td style="padding: 5px;">Date 5/22/2013</td> <td colspan="2" style="padding: 5px;"> </td> </tr> </table> A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 45%; padding: 5px;"> Place SC PROBATION, PAROLE & PARDON SERVICES LANCASTER COUNTY OFFICE P.O. BOX 1809 LANCASTER, SC 29721 </td> <td style="width: 55%; padding: 5px;"> Date and Time 06-05-2013 @ 10:45 Serving Officer's Signature </td> </tr> </table> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 40%; vertical-align: bottom;"> Sworn to and subscribed before me this <u>5th</u> day of <u>June</u>, 2013 Signature of Notary Public </td> <td style="width: 60%; vertical-align: bottom;"> My Commission Expires <u>11/14/2022</u> </td> </tr> </table>				Place Lancaster Court House	Room Main court room	Date and Time 6/17/2013 9:00 AM		LANCASTER, South Carolina	Probation and Parole Agent Wenona Boyd	Agent # 0720	Date 5/22/2013			Place SC PROBATION, PAROLE & PARDON SERVICES LANCASTER COUNTY OFFICE P.O. BOX 1809 LANCASTER, SC 29721	Date and Time 06-05-2013 @ 10:45 Serving Officer's Signature 	Sworn to and subscribed before me this <u>5th</u> day of <u>June</u> , 2013 Signature of Notary Public	My Commission Expires <u>11/14/2022</u>
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 7, 2013,



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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NOV 07 2013

SC Court of Appeals